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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/527,934	KANEKO ET AL.	
	Examiner	Art Unit	
	NELSON D. HERNANDEZ	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 February 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 March 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed February 11, 2009 have been fully considered but they are not persuasive.

2. The Applicant argues the following:

a. Nothing in Asada, et al. shows, teaches or suggests (a) a frame-addition processing means/portion for generating a first image signal from a variable frame-rate picked- up image signal with a selected output frame rate, (b) a frame-rate conversion means/portion converting a frame rate of a second image signal supplied from an external device to the output frame rate of the first image signal and (c) a signal generating means/portion for generating a monitor image signal by using the first and second image signals as claimed in claims 1 and 5. Rather, Asada, et al. only discloses a charge couple device 1, driver 2, drive pulse switching circuit 3 and view finder 6.

➢ As explain in the previous Office Action Asada et al. teaches "generating a first image signal from a variable frame-rate picked- up image signal". Note that the camera signal processing circuit 5 changes the frame rate of the image signal generated by the image signal generation means (which captures image signal at variable frame rate as discussed in Asada et al. with the control of timing using the CCD driver 2 and the drive pulse switching circuit 3 as shown in fig. 8; see explanation of elements 2 and 3 as shown in page 3, ¶ 0040-0043; page 4, ¶

0055)) and the reproduced signal converter 25, also changes the frame rate of the image signal reproduced by the signal-recording-and-reproducing means into a display frame rate; see page 3, ¶ 0044-0046; page 4, ¶ 0055-0059.

➢ The Examiner acknowledges that Asada et al. does not disclose "converting a frame rate of a second image signal supplied from an external device" and "generating a monitor image signal by using the first and second image signals". However, Asada et al. is not presented to teach said limitations. The limitations are shown in the Weisgerber reference as discussed in the previous Office Action, which in combination with the Asada reference and the Tonomura reference, teaches/suggest said limitations.

b. Nothing in Tonomura shows, teaches or suggests (a) using the varied frame-rate picked-up image signal to generate a first image signal with a selected output frame rate (i.e. a frame-addition processing means/portion), (b) converting a frame rate of a second image signal supplied from an external device to the output frame rate of the first image signal (i.e. a frame rate conversion means/portion) and (c) generating a monitor image signal by using the first and second image signals (i.e. a signal generation means/portion) as claimed in claims 1 and 5. Rather, paragraphs [0013-0014] and [0018-0019] of Tonomura merely disclose how to generate a varied frame-rate image signal and thus is only analogous to the image signal pick-up means/portion claimed in claim 1.

- The Examiner would like to point out that the Tonomura reference was not presented to teach the limitations "using the varied frame-rate picked-up image signal to generate a first image signal with a selected output frame rate" but to teach the concept of changing the frame rate of an image signal to a different frame rate by performing frame addition to modify the method that Asada et al. uses to convert from a first frame rate (which would be the frame rate of the image sensor) to a different frame rate as discussed in the previous Office Action. As discussed in the previous Office Action, the limitations "using the varied frame-rate picked-up image signal to generate a first image signal with a selected output frame rate" are taught in the Asada et al. reference.
- Also, Tonomura was not presented to teach the limitations "converting a frame rate of a second image signal supplied from an external device to the output frame rate of the first image signal" and the limitations "generating a monitor image signal by using the first and second image signals". As explained in the previous Office Action, these limitations are taught in the Weisgerber reference.

c. Furthermore, Tonomura is merely directed how to reproduce a stored image signal which is stored at one frame rate while reproducing the image signal at a second, different frame rate. Nothing in Tonomura shows, teaches or suggests (a) generating a first image signal from the varied frame-rate picked-up image signal, (b) converting a frame rate of a second image signal supplied from

an external device to the output frame rate of the first image signal and (c) generating a monitor image signal using the first and second image signals as claimed in claims 1 and 5. Rather, Tonomura is merely directed how to reproduce a stored image signal, having a first frame rate, at a second frame rate.

➢ As discussed above, the Tonomura reference was not presented to teach the limitations "(a) generating a first image signal from the varied frame-rate picked-up image signal, (b) converting a frame rate of a second image signal supplied from an external device to the output frame rate of the first image signal and (c) generating a monitor image signal using the first and second image signals" since said limitations have been covered by the Asada et al. and the Weisgerber as discussed in the previous Office Action.

d. Nothing in Weisgerber shows, teaches or suggests an image pick-up device comprising an image signal pick-up means/portion, frame-addition processing means/portion, frame rate conversion means/portion and signal generating means/portion as claimed in claims 1 and 5. Rather, Weisgerber is merely directed to a method of combining two sequences photographed at different rates onto a single strip of film.

➢ The Examiner acknowledges that the Weisgerber does not teach "an image signal pick-up means/portion, frame-addition processing means/portion, frame rate conversion means/portion and signal generating means/portion".

However, these limitations are presented in the Asada et al. and Tonomura references as discussed in the previous Office Action. Furthermore, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, although the Weisgerber is for a movie projection system and not for an image pick-up device as shown in Asada et al., the Weisgerber reference is reasonably pertinent to solving the problem of modifying the frame rate of image signals for further reproduction.

e. Furthermore, Figure 4 of Weisgerber merely discloses recording film images onto separate film strips at two different frame rates, compositing these image components onto another film strip and this film strip is then projected at the higher of the two frame rates (column 4, lines 35-43).

Thus, Weisgerber only discloses a method of compositing separate film strips onto another film strip. Nothing in Weisgerber shows, teaches or suggests (a) generating a first image signal with a selected output frame rate from a variable frame-rate picked-up image signal, (b) converting a frame rate of a second image signal supplied from an external device to the output frame rate of the first image signal and (c) generating a monitor image signal using the first

and second image signals as claimed in claims 1 and 5. Rather, Weisgerber only discloses a projector which projects a film strip of composited film strips.

- As discussed above, the Weisgerber is not presented to teach "generating a first image signal with a selected output frame rate from a variable frame-rate picked-up image signal" as the limitations have been addressed in the Asada et al. reference as discussed in the previous Office Action.
- Aldo, the Examiner would like to point out that Weisgerber does suggest (b) converting a frame rate of a second image signal supplied from an external device to the output frame rate of the first image signal (this is taught by teaching that the video image signals taken at a lower frame rate (By either a camera, computer or optical printer (computer animation)) are adjusted to match the frame rate of a video signal obtained at a higher frame rate, wherein the lower frame rate video is adjusted by repeating frames in the video to match the amount of frames in the higher frame rate video (See figs. 1-3) for further display of an image composition of both video image signals. This teaches the concept of generating image signal that is frame synchronized with the image signal of a reference frame rate picked-up image and frame-synchronizing the image signal generated a particular source with the image signal of a different frame-rate picked-up image) and (c) generating a reproduction image signal using the first and second image signals (It is noted in Weisgerber that the generated video is reproduced using a projector as shown in fig. 4). Although the reproduced image is not a monitor image, the Weisgerber reference is not presented to teach a

monitor image, but to a projected image. The Asada et al. reference discussed generating the monitor image as discussed in the previous Office Action. Furthermore, the Examiner notes that although the main invention is Weisgerber appears to be discussed with regard to video film, Weisgerber further discussed that the method discussed can be performed by different devices, such as an optical printer or by use of a computerized image transfer process known in the art. It is noted that if the process is performed in a computerized device, image signals need to be generated when converting the video signals from a first frame rate to a second frame rate and also to perform the composition of video signals. Therefore, the Examiner understands that the teaching of Weisgerber is relevant to the present Application.

- The Examiner further noticed that the Applicant appears to be attacking the references in an individually manner. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

- The Examiner understands that the combined teaching of Asada et al. in view of Tonomura and further in view of Weisgerber as discussed and analyzed in the previous Office Action reasonably teaches all the limitations of the claims

as presented, thus the rejections of claims 1-19 are considered proper and therefore maintained.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asada et al., US 2002/0021364 A1 in view of Tonomura, JP 11-177930 A and further in view of Weisgerber, US Patent 5,739,894.

Regarding claim 1, Asada et al. discloses an image pick-up device (See fig. 8) comprising: image signal pick-up means (Fig. 8: 1) for picking up an image signal with a varied frame-rate (With the control of timing using the CCD driver 2 and the drive pulse switching circuit 3 as shown in fig. 8; see explanation of elements 2 and 3 as shown in page 3, ¶ 0040-0043; page 4, ¶ 0055)); frame rate conversion means for generating a first image signal, from the variable frame-rate picked-up image signal, with a selected output frame rate (Note that the camera signal processing circuit 5 changes the frame rate of the image signal generated by the image signal generation means and the reproduced signal converter 25, also changes the frame rate of the image signal reproduced by the signal-recording-and-reproducing means into a display frame rate; see page 3, ¶ 0044-0046; page 4, ¶ 0055-0059); signal generation means (See VCR 24

as shown in fig. 8 and reproduced signal converter 25 as shown in figs. 8-10) for generating a monitor image signal by using the first image signal (See page 4, ¶ 0055 – page 5, ¶ 0066).

Although Asada et al. discloses the concept of converting a received image video from one frame rate to a different frame rate, Asada et al. does not explicitly disclose that the generation of said first image signal, from said variable frame-rate picked-up image signal, with said selected output frame-rate is performed by a frame-addition processing means; frame rate conversion means for converting a frame rate of a second image signal supplied from an external device to the output frame rate of the first image signal; and signal generation means for generating a monitor image signal by using the first image signal and the second image signal.

However, Tonomura discloses the concept of converting a video signal from a first frame rate to a second frame rate by performing a frame addition process to the video signal. Tonomura teaches an image pick-up device (See fig. 1) comprising: image signal pick-up means (CCD 1 as shown in fig. 1) for picking up an image signal with a varied frame-rate (See Machine English Translation, page 3, ¶ 0013-0014); frame-addition processing means for generating a first image signal, from the variable frame-rate picked-up image signal, with a selected output frame rate (Tonomura discloses adjusting the image signals captured at different frame rates by extending or compressing the video signal so that the complete video signal has a common frame rate for reproduction. By teaching extending a video signal frame rate (i.e. 0.5X to 1X), Tonomura inherently discloses varying the frame rates of the image signal by

performing addition of a number of frames to the signal with a lower frame rate to compensate for a desired frame rate i.e. 1X) (See Machine English Translation, Page 3, ¶ 0013 – page 4, ¶ 0021; page 5, ¶ 0025); and signal generation means (Fig. 1: 6) for generating a monitor image signal by using the first image signal (See Machine English Translation, Page 3, ¶ 0013 – page 4, ¶ 0021; page 5, ¶ 0025). Tonomura further discloses that performing the frame addition process as discussed would improve the image pick-up device by allowing change of rate so that arbitrary field rates can be realized allowing a convenient synchronization between frames (Machine English Translation, page 3, ¶ 0010; page 5, ¶ 0028).

Therefore, taking the combined teaching of Asada et al. in view of Tonomura as a whole, it would have been obvious to one of an ordinary skill in the art at the time the invention was made to apply the concept of having a frame rate converter capable of either increasing or decreasing the frame rate of the image signal, wherein when increasing the frame rate of the image signal would apply a frame addition processing continuously varying the frame rates of the image signal so that the image signal can be reproduced based on the image signal with the modified frame rate as taught in Tonomura to modify the teaching of Asada et al. by having a frame-addition processing means to perform said generation of said first image signal, from said variable frame-rate picked-up image signal, with said selected output frame-rate is performed, wherein increasing the image signal frame rate is performed by having a frame addition processing continuously varying the frame rates of the image signal from the variable frame-rate picked-up image signal, with a selected output frame-rate to have the

modified image signal reproduced on the display. The motivation to do so would have been to improve the image pick-up device by allowing change of rate so that arbitrary field rates can be realized allowing a convenient synchronization between frames as suggested by Tonomura (Machine English Translation, page 3, ¶ 0010; page 5, ¶ 0028).

The combined teaching of Asada et al. in view of Tonomura fails to teach frame rate conversion means for converting a frame rate of a second image signal supplied from an external device to the output frame rate of said first image signal; and that the signal generation means for generates said monitor image signal by using said first image signal and the second image signal.

However, Weisgerber discloses the concept of having a processor that synchronizes two image signals with different frame rates obtained from external sources (i.e. camera, computer or optical printer (computer animation) as shown in fig. 4), wherein video image signals taken at a lower frame rate (By either a camera, computer or optical printer (computer animation)) are adjusted to match the frame rate of a video signal obtained at a higher frame rate, wherein the lower frame rate video is adjusted by repeating frames in the video to match the amount of frames in the higher frame rate video (See figs. 1-3) for further display of an image composition of both video image signals (This teaches the concept of generating image signal that is frame synchronized with the image signal of a reference frame rate picked-up image and frame-synchronizing the image signal generated a particular source with the image signal of a different frame-rate picked-up image) (Col. 4, line 48 – col. 7, line 8). This would help smoothing the video image signal at the time of combining the videos since

it would reduce the presence of flicker, motion blur and interpolation of motion that does not appear smooth as suggested by Weisgerber (Col. 4, lines 47-67).

Therefore, taking the combined teaching of Asada et al. in view of Tonomura and further in view of Weisgerber as a whole, it would have been obvious to one of an ordinary skill in the art at the time the invention was made to apply the concept of generating image signal that is frame synchronized with the image signal of a reference frame rate picked-up image and frame-synchronizing the image signal generated a particular source with the image signal of a different frame-rate picked-up image as taught in Weisgerber to modify the image pick-up device of Asada et al. and Tonomura to include a frame rate conversion means for converting a frame rate of a second image signal supplied from an external device to the output frame rate of said first image signal and to have the signal generation means generating said monitor image signal by using said first image signal and the second image signal as a composite image. The motivation to do so would have been to help smoothing the video image signal at the time of combining the videos since it would reduce the presence of flicker, motion blur and interpolation of motion that does not appear smooth as suggested by Weisgerber (Col. 4, lines 47-67).

Regarding claim 2, limitations have been discussed and analyzed in claim 1.

Regarding claim 3, the combined teaching of Asada et al. in view of Tonomura and further in view of Weisgerber as discussed and analyzed in claim 1 further teaches

that said signal generation means uses the first and second image signals to generate, as the monitor image signal, an image signal of an image in which an image based on the first image signal and an image based on the second image signal are mixed (Weisgerber discloses using the two image video signals from the two sources to create a composite image as shown in figs. 1-3, wherein apportion of one of the video signals is superimposed on to the other video signals; see col. 4, line 48 – col. 5, 50). Grounds for rejecting claim 1 apply here.

Regarding claim 4, the combined teaching of Asada et al. in view of Tonomura and further in view of Weisgerber as discussed and analyzed in claim 1 further teaches that the signal generation means uses the first and second image signals to generate, as the monitor image signal, an image signal of an image in which a part of an image based on the first image signal is replaced by an image based on the second image signal (Note in Weisgerber, figs. 1-3, the final image output is a combination of a portion of the image signal from one video image signal that replaces a portion of the other image video signal; col. 4, line 48 – col. 5, 50).

Regarding claim 5, limitations have been discussed and analyzed in claim 1.

Regarding claim 6, limitations have been discussed and analyzed in claim 1.

Regarding claim 7, limitations have been discussed and analyzed in claim 3.

Regarding claim 8, limitations have been discussed and analyzed in claim 4.

Regarding claim 9, the combined teaching of Asada et al. in view of Tonomura and further in view of Weisgerber as discussed and analyzed in claim 1 further teaches that the external device is either a recording/reproducing device or an input terminal (See camera, computer or optical printer (computer animation) in Weisgerber, fig. 4). Grounds for rejecting claim 1 apply here.

Regarding claim 10, limitations have been discussed and analyzed in claim 9.

Regarding claim 11, the combined teaching of Asada et al. in view of Tonomura and further in view of Weisgerber as discussed and analyzed in claim 1 further teaches an input terminal (The system in Weisgerber inherently discloses an input terminal to receive the second video signal. The combined teaching of Asada et al. in view of Tonomura and further in view of Weisgerber as discussed and analyzed in claim 1 would suggest the modification of the Asada et al. teaching to include an input terminal to receive the second video signal. See grounds for rejection in claim 1), a recording/reproducing means (VCR Unit 24 in Asada et al.; page 4, ¶ 0055 – page 5, ¶ 0066) for recording and reproducing the first image signal, and an input selection means for selecting the second image from the input terminal or the recording/reproducing means (Weisgerber as applied to claim 1 suggest the inclusion of a selection means to select a first image video signal or a second video signal (Col. 4, line 48 – col. 7, line 8),

that when combined with the teaching of Asada et al and Tonomura would provide the image pick-up device with a selection means for selecting either one of the recording/reproduction means or the input terminal). Grounds for rejecting claim 1 apply here.

Regarding claim 12, limitations have been discussed and analyzed in claim 11.

Regarding claim 13, the combined teaching of Asada et al. in view of Tonomura and further in view of Weisgerber as discussed and analyzed in claims 1 and 11 further teaches that the input selection means inputs the selected second image signal to the frame rate conversation means (As shown in Weisgerber, the image video signal from the external device with the slow frame rate is input to change its frame rate to match with a second image video signal. See figs. 1-3; col. 4, line 48 – col. 7, line 8). Grounds for rejecting claims 1 and 11 apply here.

Regarding claim 14, limitations have been discussed and analyzed in claim 13.

Regarding claim 15, the combined teaching of Asada et al. in view of Tonomura and further in view of Weisgerber as discussed and analyzed in claim 1 further teaches that the signal generation means is connected to the frame-addition processing means and the frame rate conversion means (the teaching of Tonomura (See Machine English Translation, Page 3, ¶ 0013 – page 4, ¶ 0021; page 5, ¶ 0025) and Weisgerber (See

figs. 1-3; col. 4, line 48 – col. 7, line 8) as applied to claim 1 suggest the inclusion of the frame-addition processing means and the frame rate conversion means connected to the signal generation means to produce the first signal with the frame-rate converted and the second image video signal for further output a video signal with a combination of the two image video signals). Grounds for rejecting claim 1 apply here.

Regarding claim 16, limitations have been discussed and analyzed in claim 15.\

Regarding claim 17, limitations have been discussed and analyzed in claim 3.

Regarding claim 18, the combined teaching of Asada et al. in view of Tonomura and further in view of Weisgerber as discussed and analyzed in claim 1 further teaches that the signal generation means generated the monitor image signal using images from the first and second image signals simultaneously on one screen (Weisgerber teaches that the two image signals are combined an displayed simultaneously on a single screen. See figs. 1-3; col. 4, line 48 – col. 7, line 8). Grounds for rejecting claim 1 apply here.

Regarding claim 19, limitations have been discussed and analyzed in claim 18.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NELSON D. HERNANDEZ whose telephone number is (571)272-7311. The examiner can normally be reached on 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NDHH
May 21, 2009

/NHAN T TRAN/
Primary Examiner, Art Unit 2622